



# Annual Report For The Chief Inspector Of Marine Accidents – Bailiwick of Guernsey 2020

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## Chapter 1 - Introduction

Under Bailiwick of Guernsey legislation, there is a requirement to examine and investigate all types of marine accidents to or on-board Guernsey vessels worldwide, and other vessels in Bailiwick territorial waters, including Sark and Alderney.

The objective of an accident investigation is to determine its circumstances and causes, with the aim of improving the safety of life at sea and avoiding similar accidents in the future. It is not its purpose to apportion liability, nor, except so far as is necessary to achieve the fundamental purpose, to apportion blame.

The Chief Inspector of Marine Accidents (the CIMA) in Guernsey is an independent statutory official and can call upon several accident investigators. All are professionally qualified and experienced in the nautical, engineering, naval architecture and/or fishing disciplines of the marine industry.

The powers of Accident Investigation Inspectors, and the framework for reporting and investigating accidents, are set out in the Merchant Shipping (Bailiwick of Guernsey) Law 2002. The Merchant Shipping (Accident and Reporting) (Bailiwick of Guernsey) Regulations 2009 put the framework into effect.

These regulations apply to merchant ships, fishing vessels and (with some exceptions) pleasure craft. They define accidents, set out the purpose of investigations and lay down the requirements for reporting accidents. They make provision for the ordering, notification and conduct of investigations, but allow inspectors a good deal of discretion - necessary, given the wide variety of cases.

## Chapter 2 - What Is An Accident?

An accident is an undesired event that results in personal injury, damage or loss. This may include:

- Loss of life or major injury to any person on board
- Loss of a person overboard,
- The actual or presumed loss of a vessel, abandonment or material damage, collision or grounding, disablement, and material damage caused by a vessel.

An accident can also be an occurrence, which might realistically have caused serious injury or damage to the health of any person. This can range from the collapse of lifting gear, an unintended movement of cargo or ballast enough to cause a list, a loss of cargo overboard or a snagging of fishing gear that results in the vessel heeling to a dangerous angle. It is the duty of every master or skipper to examine, and report as necessary, any accident occurring to, or on board, the vessel.

### 2.1. What Is A Major Injury?

A major injury includes any fracture to, or loss of, a limb, loss of sight, or any other injury requiring resuscitation or leading to hypothermia or admittance to a hospital or other medical facility for more than 24 hours.

### 2.2. What Is A Serious Injury?

A serious injury is an injury, other than a major injury, when the injured person is incapacitated for more than three consecutive days.

### 2.3. What Is A Hazardous Incident?

A hazardous incident is when an accident nearly occurs in connection with the operation of a vessel. In other words, it is what is often known as a "near miss".

## Chapter 3 - The Reporting Process

### 3.1. Making A Report

Accidents, including major injuries, must be reported to the CIMA by the quickest possible means. This is so that they can be investigated immediately, before vital evidence decays, is removed or is lost. The vessel's master and owner must investigate serious injuries and report the findings to the CIMA within 14 calendar days.

**Hazardous incidents do not have to be reported, but the CIMA encourages owners, masters and skippers to report them. Hazardous incidents often provide lessons that are every bit as relevant as those arising from accidents.**

Accidents can be reported to Guernsey Harbours on (00 44) (0)1481 220229, or outside office hours on (00 44) (0)1481 220481, or directly via Guernsey Coastguard on VHF Channels 16 or 20 or Guernsey VTS on VHF Channel 12. Both organisations operate 24 hours a day. Reports are referred to an inspector for a decision on what action to take. In some cases, the initial report contains all the information that is needed. In others, the inspector will conduct further enquiries, make a preliminary examination, or complete a full investigation.

In some cases, the ship's owner's or officers' own investigation will be enough. The CIMA may, however, conduct an administrative enquiry by various means of communication to seek further details on any accident. Legislation require owners, masters and other relevant people or organisations to provide any such information when requested.

### 3.2. Preliminary Examination And Full Investigation

Following notification of an accident, inspectors will start to collect evidence and the decision whether to conduct a preliminary examination (PE) will be made. A PE is the first stage of a full investigation and identifies the causes and circumstances of an accident to see if they meet the criteria required to warrant further investigation and a publicly available report. Every effort is made to examine a wide range of accidents each year.

All PEs and accident investigations seek answers to four basic questions:

- What happened?
- How did it happen?
- Why did it happen?
- What can be done to prevent it happening again?

Once the decision to proceed has been made, all available evidence is gathered. No two cases are ever the same, and the process may take different forms. Inspectors will usually wish to see logbooks, charts and other documents. They will invariably interview those who may be able to shed light on what happened and are likely to take photographs/CCTV footage and examine computer or other digital records (AIS). If the vessel contains a 'black box', the data will be removed and examined.

Marine accident investigators and inspectors consider evidence from as many sources as possible. If necessary, they will call in external independent technical experts. Emphasis is placed on identifying human factors in the causes of an accident. It can take up to a year to complete an investigation and publish a report. This might seem a long time, but it may be necessary to interview a wide range of individuals, crosscheck evidence, examine suspect equipment and consult with technical experts. Often the true cause of an accident turns out to be very different from initial assumptions. A full investigation or PE is entirely independent of any enquiries made by the police or other authority collecting evidence for a possible prosecution.

### 3.3. Families

The CIMA is very conscious of the hurt and bewilderment that a marine accident causes to the families and loved ones of victims. Inspectors make every effort to contact next of kin after an accident to explain their role. Once the investigation is complete, the next of kin are given the conclusions before they are made publicly available.

### 3.4. Reports

The CIMA aims to improve safety for all those who work at, or travel by, sea. The investigation findings usually lead to recommendations aimed at preventing similar accidents. If a decision has been made to investigate an accident, the CIMA will make the results publicly available in a full report.

**The marine accident investigation report is not written with liability in mind and is not intended to be used in a court of law for the purpose of litigation.**

Any report endeavours to identify and analyse the relevant safety issues pertaining to the specific accident, and to make recommendations aimed at preventing similar accidents in the future.

From time to time, the CIMA may also publish a report highlighting, for example, specific safety problems, safety trends, or any other issues that should be brought to the attention of the maritime community and the public.

## Chapter 4 - Incidents in 2020

The Merchant Shipping (Accident Reporting and Investigation) (Bailiwick of Guernsey) Regulations, 2009<sup>1</sup> requires production of a summary of an annual report of the Chief Inspector of Marine Accidents work, and any investigation outcomes.

### **4.1. Reporting And Communication**

The Guernsey Harbours website includes a section on Marine Accident Investigation. Where appropriate, this site includes a retrospective synopsis of accidents and the recommendations made by the Chief Inspector.

There were no known investigations launched into accidents in Bailiwick waters by other authorities, such as the UK Marine Accident Investigation Branch (MAIB) in 2020.

A pro-forma reporting document is also downloadable from the website<sup>2</sup>. The table and graphs are a summary of the number of reports received since 2012, with the overall trend continuing downwards for reportable accidents.

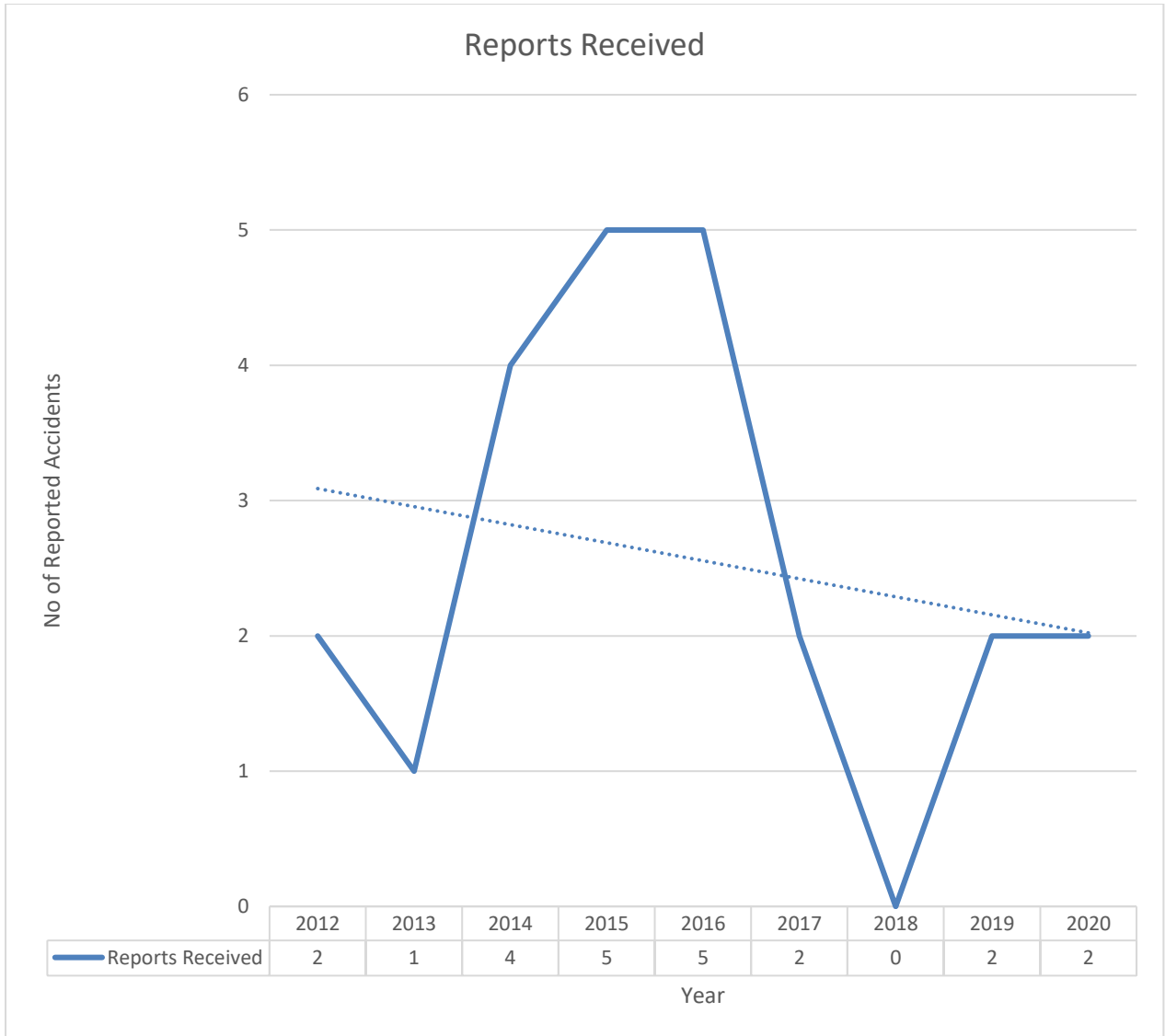
Year	Reports Received
2012	2
2013	1
2014	4
2015	5
2016	5
2017	2
2018	0
2019	2
2020	2

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<sup>1</sup> <http://www.guernseylegalresources.gg/article/96257/No-8---The-Merchant-Shipping-Accident-Reporting-and-Investigation-Bailiwick-of-Guernsey-Regulations-2009>

<sup>2</sup> <http://www.harbours.gg/article/170102/Corporate-Reporting>





Source: Guernsey Harbours.

## 4.2. Stinger RIB in collision with 'Gate Rock' Westerly Cardinal Beacon on Saturday 24 August 2019



At approximately 21:30 BST on Saturday 24th August 2019, a Stinger RIB with 7 persons onboard was returning from Sark to Guernsey via the Percee passage to the south-east of Herm. At this time, it appears that the vessel collided with the 'Gate Rock' westerly cardinal beacon at some speed (approximately 25kts according to the Skipper).

As a result of the collision one passenger was seriously injured and the RIB badly damaged. 'Gate Rock' beacon was also very badly damaged, and Navigation-Warnings were issued once the extent of that damage was ascertained from the late, Travel Trident vessel returning from Herm.

At no time during the initial call was it made clear to the Guernsey Coastguard operator that a collision had occurred and in fact the only information was that there had been an incident with a passenger and that they needed an ambulance to meet them at the Harbour. The RIB was already alongside the quay when the investigating officer arrived on scene. He immediately noticed that the casualty was bleeding heavily from an injury to his face and appeared to be in severe pain with his chest. He was struggling to breathe.

Very shortly after an ambulance crew arrived to treat the casualty for his injuries. As lights were turned on to assist the ambulance crew in seeing the extent of the casualty's injuries, severe damage to the Starboard quarter of the vessel, which was significant, was noted.

It was considered that this damage could only have been caused by the vessel coming into contact with another object. Once the casualty had been removed from the vessel and up to the awaiting ambulance the skipper of the RIB was asked to explain the damage. He stated that he believed that they had hit a wake and that the RIB had “Dug in” which had thrown the casualty into the ‘A-Frame’ of the vessel causing his injuries. It appeared that he was not aware of the damage until it was pointed out to him.

It was believed that due to the shock of the incident and the dark conditions in the area at the time (as attested to by the Trident ferry crew), that the skipper had not really comprehended what had occurred. He was asked if he had consumed any alcohol and he stated that he had drunk 4 pints of beer.

After taking photographs of the damage sustained and the tracks indicated on her chart plotter, the vessel was allowed to return to her mooring in a local marina.

### **Conclusions**

The RIB had been travelling in a north-westerly direction at approximately 25kts when due to poor navigation, spatial disorientation (possibly due to alcohol consumption) and very dark conditions at the time, it passed to the north – east of the beacon, between the wire stay and the beacon pole.

The wire stay dragged down the starboard side of the vessel leaving the marks on its buoyancy collar before striking the passenger who was standing behind the helm seat causing the severe injuries previously noted.

### 4.3. M/V Trinity Berthing Incident - 06 November 2020



On Friday 06 November 2020 M/V Commodore Goodwill was berthed, Starboard side to Number 2 berth, St Peter Port harbour, Guernsey, at this time she was conducting RO-RO freight operations. At approximately 05:35 that same morning, M/V Trinity was cleared into Number 4 berth. At that time the wind was blowing from the East at 24 to 27 knots.

The Duty Vessel Traffic Service Officer (VTSO) realised that M/V Trinity was having problems executing her berthing operation and immediately contacted the Duty Harbourmaster (DHM), to request the launch of Guernsey Ports' workboat Sarnia and on a second call, the St Peter Port all weather lifeboat (ALB) as he deemed the incident was serious enough to warrant their assistance. The DHM authorised the launch of both vessels as requested.

At no time during this initial phase of the incident did the Master of M/V Trinity request any assistance.

The fishing vessel New Dawn called Guernsey VTS to offer assistance if required, this offer was accepted by Guernsey VTS as by this time, M/V Trinity was bow onto No 5 berth with her Port quarter resting on the Port shoulder of the M/V Commodore Goodwill.

At 06:10 M/V Trinity requested assistance and fishing vessel New Dawn was able to pass a line in order to stabilize the situation and to attempt to pull M/V Trinity off of M/V Commodore Goodwill. At the same time the DHM arrived on scene after being called in from home.

The Master of the M/V Commodore Goodwill contacted Guernsey VTS and confirmed that contact had been made between his vessel and M/V Trinity.

M/V Trinity berthed Starboard side to No 4 berth without further incident at approximately 06:15. The Master of M/V Trinity then requested Guernsey Harbours' workboat Sarnia for her departure.

### **Conclusions**

During the course of the subsequent investigation it was noted that M/V Trinity had particularly poor handling characteristics as attested to by the four local General Pilots.

Guernsey Harbours and Faversham Ships (M/V Trinity owners), placed maximum weather restrictions on the vessel and Guernsey Harbours put in place Standard Operating Procedures (SOP's) for the use of Sarnia in assisting vessels during berthing operations.

Faversham Ships improved the handling characteristics of M/V Trinity by making adjustments to her Controllable, Pitch Propeller (CPP) and its associated control system and also improved the effectiveness of her bow thruster.

At the request of Guernsey Harbours, Faversham Ships have also drafted full risk assessments for berthing in St Peter Port Harbour.

## Chapter 5 - Contact Details

For further information about the Accident Investigation or for information about specific accidents, please contact the Chief Inspector of Marine Accidents using the contact details below:

The Chief Inspector of Marine Accidents  
c/o Guernsey Harbours  
P.O. Box 631  
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